

Fiscal Services Division
Legislative Services Agency
Fiscal Note

SF 531 – Expunging Records of Simple Misdemeanors (LSB 2836 SV)
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Fiscal Note Version – New

Description

Senate File 531 permits a person who has been convicted of theft in the fifth degree, who has paid any fines and restitution, who has not had any other criminal convictions other than Chapter 321, Code of Iowa, (Motor Vehicles and Laws of the Road), to petition the court for expungement of the criminal record two years after the conviction.

Background

- There were 6,649 offenders convicted of theft in the fifth degree in FY 2006. Of those, 1,095 had a previous conviction for fifth degree theft.
- There is no data with which to calculate the number of the remaining 5,554 offenders who will pay any fines and restitution within a two-year period.
- The hourly rate for a magistrate is \$40.43. The hourly rate for a District Associate Judge is \$62.06. The hourly rate for a court reporter is \$38.14 while the hourly rate for a court attendant is \$20.87. The hourly rate for Clerk of Court staff is \$17.98. The hourly rates include salary and benefits (payroll taxes and State costs of insurance).

Assumptions

- Each petition will require a judicial hearing, which is approximately 20 minutes. The average cost per hearing is estimated to be \$55.00.
- It is not possible to determine the annual number of petitioners who will request a hearing for expungement of their criminal record. Therefore, a range is provided.

Fiscal Impact

The annual cost for the Judicial Branch ranges from zero (no one petitions the court) to \$305,000 (50.0% of the 5,554 offenders request a hearing and their records are expunged).

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Judicial Branch

/s/ Holly M. Lyons

March 19, 2007

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
